



Signed and Filed: September 3, 2020

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5 HANNAH L. BLUMENSTIEL
6 U.S. Bankruptcy Judge

7 UNITED STATES BANKRUPTCY COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 In re:) Case No. 20-30242 HLB
10 ANTHONY SCOTT LEVANDOWSKI,)
11 Debtor.)
12 ANTHONY SCOTT LEVANDOWSKI,) Adv. Proc. No. 20-3050 HLB
13 Plaintiff,)
14 v.)
15 UBER TECHNOLOGIES, INC.,)
16 Defendant.)

17 ORDER GRANTING IN PART AND DENYING IN PART
18 GOOGLE LLC'S MOTION TO INTERVENE

19 This proceeding came before the court on September 3, 2020
20 for a hearing on Google LLC's motion to intervene.¹ Uber
21 Technologies, Inc. opposed the Motion.² Mr. Levandowski filed a
22 statement indicating that he did not oppose the Motion.³ Google
23 replied.⁴ Appearances were as noted on the record. All parties

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25 ¹ Dkt. 14 (the "Motion").

26 ² Dkt. 29.

27 ³ Dkt. 27.

28 ⁴ Dkt. 33.

1 consented to the entry of a final order on the Motion by this
2 court.

3 Based on the court's careful analysis of the relevant
4 pleadings, the arguments of counsel, and the reasons stated on
5 the record, the court **GRANTS IN PART AND DENIES IN PART** the
6 Motion, as follows:

7 **1.** The court **GRANTS** the Motion under Civil Rule⁵
8 24(a)(1), which applies in this proceeding pursuant to
9 Bankruptcy Rule 7024, to the extent Google seeks to intervene
10 with respect to Count IV of Mr. Levandowski's complaint, which
11 seeks a declaratory judgment as to the validity of Uber's
12 purported rescission of an indemnification agreement between it
13 and Mr. Levandowski.

14 **2.** The court **DENIES** the Motion to the extent it seeks
15 leave to intervene with respect to Counts I, II, III, and VIII
16 of Mr. Levandowski's complaint or to bring a claim for
17 equitable subordination in this proceeding.

18 **3.** As to the scope of Google's intervention, the court
19 will permit Google to file briefs in support of or in
20 opposition to motions filed by Uber or Mr. Levandowski, but
21 will not permit Google to move or apply for affirmative relief.
22 The court also will permit Google to be heard at argument on
23 any motion as to which it files a brief. The court will permit
24 Google to participate in discovery, but will define the scope
25 of that participation in a scheduling order to be issued

27 **5** Unless otherwise indicated, all citations to a "Civil Rule" shall refer to
28 one of the Federal Rules of Civil Procedure and all citations to a "Bankruptcy
Rule" shall refer to one of the Federal Rules of Bankruptcy Procedure.

1 following the scheduling conference the court will convene on
2 September 17, 2020.

3 **4.** Nothing in this order should be construed as
4 restricting Google's right, if any, to seek reconsideration of
5 or relief from this order, or to appeal this order.

6 5. Nothing in this order should be construed as
7 restricting Google's right, if any, to assert a claim for
8 equitable subordination against Uber in a separate adversary
9 proceeding.

END OF ORDER

Court Service List

[None]